



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/288,140	04/08/99	YAMAZAKI	S 0756-1943

  

SIXBEY FRIEDMAN LEEDOM & FERGUSON 8180 GREENSBORO DRIVE SUITE 800 MCLEAN VA 22102		MM2/1010	7
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EXAMINER	
TON, M	

  

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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## Office Action Summary

Application No.

09/288,140

Applicant(s)

YAMAZAKI ET AL.

Examiner

Toan Ton

Art Unit

2871

-- **Th MAILING DATE of this communication appears on th cover sheet with th correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_

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***Election/Restriction***

1. This application contains claims directed to the following patentably distinct species of the claimed invention :

(I) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (device+Raman shift) [claim 1, 6, 11];

(II) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (1+boron concentration) [claim 2];

(III) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (1+oxygen) [claim 3];

(IV) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (1+lead electrode comprising aluminum) [claim 4];

(V) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (1+Raman grain size) [claim 5];

(VI) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (6+boron concentration) [claim 7];

(VII) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (6+oxygen concentration) [claim 8];

(VIII) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (6 +lead electrode comprising aluminum) [claim 9];

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(IIX) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (6 +Raman grain size) [claim 10];

(IX) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (11+boron concentration)[claim 12];

(XI) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (11+oxygen) [claim 13];

(XII) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (11+lead electrode comprising aluminum) [claim 14];

(XIII) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (11+Raman grain size) [claim 15];

(XIV) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (1-LCD)[claim 18];

(XV) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (2-LCD) [claim 19];

(XVI) the specifics of the device being comprised of the particular details of the channel region having particular characteristics [4-LCD) [claim 20];

(XVII) the specifics of the device being comprised of the particular details of the channel region having particular characteristics (12-LCD) [claim 21].

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2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 16-17 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

October 9, 2001

  
TOANTON  
PRIMARY EXAMINER